

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA,  
PITTSBURGH DIVISION**

**UNITED STATES OF AMERICA**

**vs.**

**MAYANK MISHRA**

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**2:12-CR-92-CB**

**MOTION FOR INJUNCTIVE RELIEF RE  
TO ORDER THE U.S. MARSHAL'S OFFICE TO ALLOW EXTENDED  
ATTORNEY-CLIENT VISITATION**

Comes now the defendant, Mayank Mishra, through his counsel, to respectfully request that the Court order that the U.S. Marshal's office accommodate daily attorney-client meetings between Mr. Mishra and his attorneys. In support of this motion the defense submits as follows:

1. Mayank Mishra is currently incarcerated at the Northeast Ohio Correctional Center in Youngstown, Ohio, which is approximately 1.5 hour's drive from the Federal Courthouse in Pittsburgh, Pennsylvania.
2. The aforementioned distance makes it very difficult for defendant's counsel to arrange attorney-client meetings outside of the courtroom or courthouse.
3. The United States Marshals, who are charged with supervising Mayank Mishra at the courthouse, have refused to allow the defendant to remain in the courthouse, after the day's proceedings have concluded, so that he can meet and confer with his attorneys.
4. Furthermore, the United States Marshals have only allowed the defendant to meet with his attorneys at 8:00 am, before the day's proceedings, which begin promptly at 8:45 a.m., this leaves only 15 minutes for an attorney-client conference.

5. In order for the defendant's counsel to provide an effective defense they must have access to their client for more than 15 minutes per day. Defendant's counsel requires several hours to meet and confer with their client.
6. Mr. Mishra has a 6<sup>th</sup> Amendment right to counsel and the right to provide a defense includes the right to prepare for that defense. In *Geders v. U.S* the Appellate Court reversed a conviction when the Trial Court refused to allow counsel to meet with the defendant between direct and cross. In *Geders* the Appellate Court stated, "It is common practice during such recesses for an accused and counsel to discuss the events of the day's trial. Such recesses are often times of intensive work, with tactical decisions to be made and strategies to be reviewed. The lawyer may need to obtain from his client information made relevant by the day's testimony, or he may need to pursue inquiry along lines not fully explored earlier. At the very least, the overnight recess during trial gives the defendant a chance to discuss with counsel the significance of the day's events. Our cases recognize that the role of counsel is important precisely because ordinarily a defendant is ill-equipped to understand and deal with the trial process." *Geders v. U.S.*, 425 U.S. 80, 90 (1976).
7. The situation in this case is demonstrably more egregious than the scenario presented in *Geders*. Mr. Mishra is being prevented from speaking to his attorneys for any meaningful period of time every night, throughout the trial. *Geders* points out that, "other courts have concluded that an order preventing a defendant from consulting his attorney during an overnight recess infringes upon this substantial right." *Id.*

Wherefore the defendant, through the undersigned, respectfully requests that the Court grant this motion and order the U.S. Marshal's Office to either detain the defendant

at the Alleghany County Jail or allow Mr. Mishra to remain at the courthouse for one hour after the day's proceedings before being transported back to Ohio.

Respectfully Submitted,

/S/ Norman Silverman

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**Certificate of Service**

On December 7, 2015, this Motion was electronically filed via the ECF system. A copy was contemporaneously forwarded to the government via the ECF system.

/S/ Norman Silverman

Norman Silverman

Attorney for Mayank Mishra